



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590



MAR 11 2009

REPLY TO THE ATTENTION OF:

SE-5J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Robert J. Dold Jr.  
Rose Exterminator Co.  
1809 West Chicago  
Chicago, IL 60622

Re: Follow-up to the General Notice of Potential Liability and Request for Information  
Pursuant to Section 104(e) of CERCLA for the Rose Exterminator Site in Norwood, Ohio

Dear Sir:

On February 5, 2009, the United States Environmental Protection Agency (U.S. EPA) issued the enclosed general notice of potential liability and an information request to you pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended, 42 U.S.C. § 9604(e). The general notice required you to respond regarding your willingness to perform or finance the activities described in the letter while the information request required you to provide certain documents and information within fourteen (14) days of the receipt of this letter.


Although the deadline for the response has passed, U.S. EPA has not received any response to the general notice and information request. U.S. EPA therefore requests that you comply immediately with that general notice and information request. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR § 2.203 (b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent, and only by means of the procedures, provided in 40 CFR Part 2, Subpart B. If no such claim accompanies the information when it is received by U.S. EPA, it may be made available to the public by U.S. EPA without further notice.

Continued failure to comply with U.S. EPA's information request, or to adequately justify such failure to respond, may subject to an enforcement action seeking to compel compliance and collect penalties of up to \$37,500 per day of noncompliance pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5) and as adjusted by 69 Fed. Reg. 7121-27 (Feb. 13, 2004) (codified at 40 C.F.R. § 19.4) pursuant to the Debt Collection Improvement Act of 1996.

U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action.

Please contact Ms. Nola Hicks, Assistant Regional Counsel, at (312) 886-7949 if you have any legal questions regarding this matter. All other questions should be directed to Mrs. Mila Bensing, Enforcement Specialist, Emergency Enforcement Services Section, at (312) 353-2006.

Sincerely yours,

  
William D. Messenger, Chief  
Emergency Enforcement Services Section

Enclosure



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REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

FEB 05 2009

REPLY TO THE ATTENTION OF:

SE-5J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Robert J. Dold Jr.  
Rose Exterminator Co.  
1809 West Chicago  
Chicago, IL 60622

RE: Rose Exterminator Site at 5421 Carthage Avenue in Norwood, Hamilton County, Ohio  
General Notice of Potential Liability and Request for Information

Dear Mr. Dold:

The United States Environmental Protection Agency ("U.S. EPA") has documented the release or threatened release of hazardous substances, pollutants and contaminants at the above referenced Site, and is planning to spend public funds to control and investigate these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response; Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 *et seq.*, ("CERCLA") as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) ("SARA"), unless U.S. EPA determines that such action will be done properly by a responsible party. Responsible parties under CERCLA include the current and former owners and operators, and persons who generated the hazardous substances or were involved in transport, treatment, or disposal of them at the Site. Under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), where the Agency uses public funds to achieve the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the Site, including investigation, planning and enforcement.

The U.S. EPA is currently planning to conduct the following actions at the above referenced Site.

1. Develop and implement a site-specific Health and Safety Plan, including an Air Monitoring Plan, and a Site Emergency Contingency Plan;
2. Develop implement a Site Security Plan;

3. Consolidate all hazardous substances, pollutants and contaminants for transportation and off-site disposal including contaminated soil, building structure, and debris;
4. Transport and dispose of all identified hazardous substances, pollutants, wastes, or contaminants to a RCRA/CERCLA-approved disposal facility in accordance with U.S. EPA's Off-Site Rule (40 CFR § 300.440).
5. Conduct post removal site sampling to confirm cleanup;
6. Grade and seed site to prevent soil erosion;
7. Take any other response actions to address any release or threatened release of a hazardous substance, pollutant or contaminant that the EPA On-Scene Coordinator determines may pose an imminent and substantial endangerment to the public health or the environment.

U.S. EPA has received information that you may have owned or operated or generated or transported hazardous substances that were disposed of at the Site. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities that U.S. EPA has determined or will determine are required at the Site. U.S. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order. If you are a qualified small business, enclosed is a U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet which may be helpful if you are subject to an U.S. EPA enforcement action.

As a potentially responsible party, you should notify U.S. EPA in writing within fourteen (14) days of receipt of this letter of your willingness to perform or finance the activities described above. If U.S. EPA does not receive a timely response, U.S. EPA will assume that you do not wish to negotiate a resolution of your potential responsibility in connection with the Site and that you have declined any involvement in performing the response activities.

Your letter should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in voluntary cleanup action or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities; however, you are advised to report the status of those

discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

In addition, U.S. EPA is seeking to obtain certain other information from you pursuant to its authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), for the purpose of enforcing CERCLA and to assist in determining the need for response to a release of hazardous substances under CERCLA. The Administrator of the U.S. EPA has the authority to require any person who has or may have information relevant to any of the following to furnish U.S. EPA with such information: (1) the identification, nature or quantity of materials which have been or are generated, treated, stored or disposed of at, or transported to, a facility; (2) the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility; and (3) the ability of a person to pay for or perform a cleanup. Pursuant to Section 104(e) of CERCLA, you are hereby requested to submit the following information concerning the Rose Exterminator Site in Norwood, Ohio:

1. Furnish the names and addresses of all your full-time or part-time employers beginning with January 1, of the year in which you graduated from college?
2. Are you now or at have you ever been in the past an officer, owner, agent, stockholder or partner of any business in which it engaged in pest control or management supplying pest control chemicals or a business which may have some interest in other businesses engaged in such practices?
3. If you answered, "Yes" to the previous question, then
  - a. Furnish the name and last known address of any and all such businesses, the beginning year and ending year when engaged in such activity and identify its existing and former owners by name and address and indicate the year when they first became an owner,
  - b. State what your position or status may have been in any such business or businesses,
  - c. Furnish the dates that you began and/or ended any position or status,
  - d. If any of such businesses were authorized to do business by some state agency, identify the business and the state agency.
4. When did your business first begin to use the name "Rose Exterminating" or "Rose Exterminating Co." and/or "Rose Exterminating Company".
5. And if your business stopped using any of the previous names and no longer uses it, then furnish the date that such use ceased and supply the subsequent name that was used by the business.
6. What was the business connection between any of the businesses named in Paragraph 4 and an exterminating business operated in the area of Cincinnati,

Ohio owned or operated by individuals named Rose, or Menard or Marsh using one or more than one of the names appearing in Paragraph 4, above.

7. Did any one or more than one of the businesses identified by you in your response to Question 3 ever pay utility bills, insurance premiums, real estate taxes, repair or maintenance expenses for a building at a location commonly referred to as 5421 Carthage in Norwood, Ohio?
8. If the above question is answered in the affirmative, then
  - a. Indicate the amount and purpose of such payment or payments and the name and address of the payee,
  - b. Furnish the date or dates of such payment,
  - c. Indicate if the business owned, leased, occupied the building or was either a contract purchaser of the building or if it had an option to purchase it.
9. If the business neither owned, occupied, nor leased the building nor had a contract to purchase it or have an option to purchase it, than supply whatever justifications existed at that time for the business to pay such expenses, premiums or taxes.
10. The names and last known addresses of each and every person that now has or at one time had any ownership interest in Rose Pest Solutions, or to any Illinois business doing business as Rose Exterminator, Rose Exterminator Co or Rose Exterminator Corp.

To assist you in answering this request, the information sought pertains to any and all information in your possession, custody or control relating to the operation of the above referenced Site and to the transportation, storage, and/or disposal of hazardous substances or the generation of hazardous substances which were ultimately disposed of or offered for disposal at the Site. The relevant time period for this request is fourteen (14) days.

For purposes of this information request, "shipping documents" shall mean all contracts, agreements, purchase orders, requisitions, pick-up or delivery tickets, customs forms, freight bills, shipping memoranda, order forms, weight tickets, work orders, bills and any other similar documents that evidence discrete transactions involving shipment, or the arrangement for shipment, of waste materials to, through, or from, the above referenced Site. "Waste materials" shall mean hazardous substances, solid wastes and hazardous wastes, and other materials which may or may not contain pollutants or contaminants, and shall include reclaimed and off-specification material of any kind.

This request is directed to your company, its officers, directors, and employees, and its subsidiaries, divisions, facilities and their officers, directors, and employees. The information sought herein must be sent to U.S. EPA within fourteen (14) calendar days of your receipt of this letter. Failure to respond fully and truthfully to this request, or to adequately justify any failure to

respond, may result in an enforcement action against you by U.S. EPA under Section 104 of CERCLA, as amended. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may request however, that any such information be handled as confidential business information. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by the U.S. EPA. Information claimed as confidential will be handled in accordance with the provisions of 40 C.F.R. Part 2.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to U.S. EPA pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory should so notify U.S. EPA. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted pursuant to 18 U.S.C. § 1001. The U.S. EPA has the authority to use the information requested herein in any administrative, civil or criminal action.

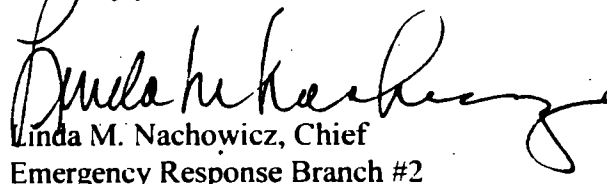
Your responses to both the notice of potential liability and the information requests due within fourteen (14) days, should be sent to:

Mila V. Bensing  
U.S. EPA - Region 5  
Emergency Enforcement Services Section, SE-5J  
77 West Jackson Boulevard  
Chicago, Illinois 60604

If you need further information regarding this letter, you may contact Mrs. Bensing, Enforcement Specialist, at (312) 353-2006. Direct any legal questions to Ms. Nola Hicks, Assistant Regional Counsel, of the Office of Regional Counsel at (312) 886-7949.

Due to the nature of the problem at this Site and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frames specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,



Linda M. Nachowicz, Chief  
Emergency Response Branch #2

Enclosure



Office of Enforcement and Compliance Assurance

## INFORMATION SHEET

### U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

#### Compliance Assistance Centers

([www.assistancecenters.net](http://www.assistancecenters.net))

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

##### Agriculture

([www.epa.gov/agriculture](http://www.epa.gov/agriculture) or 1-888-663-2155)

##### Automotive Recycling Industry

([www.ecarcenter.org](http://www.ecarcenter.org))

##### Automotive Service and Repair

([www.ccar-greenlink.org](http://www.ccar-greenlink.org) or 1-888-GRN-LINK)

##### Chemical Industry

([www.chemalliance.org](http://www.chemalliance.org))

##### Construction Industry

([www.cicacenter.org](http://www.cicacenter.org) or 1-734-995-4911)

##### Education

([www.campuserc.org](http://www.campuserc.org))

##### Healthcare Industry

([www.hercenter.org](http://www.hercenter.org) or 1-734-995-4911)

##### Metal Finishing

([www.nmfr.org](http://www.nmfr.org) or 1-734-995-4911)

##### Paints and Coatings

([www.paintcenter.org](http://www.paintcenter.org) or 1-734-995-4911)

##### Printed Wiring Board Manufacturing

([www.pwbr.org](http://www.pwbr.org) or 1-734-995-4911)

##### Printing

([www.prieac.org](http://www.prieac.org) or 1-888-USPNEAC)

##### Transportation Industry

([www.transource.org](http://www.transource.org))

##### Tribal Governments and Indian Country

([www.epa.gov/tribal/compliance](http://www.epa.gov/tribal/compliance) or 202-564-2516)

##### US Border Environmental Issues

([www.bordercenter.org](http://www.bordercenter.org) or 1-734-995-4911)

The Centers also provide State Resource Locators ([www.envcap.org/statetools/index.cfm](http://www.envcap.org/statetools/index.cfm)) for a wide range of topics to help you find important environmental compliance information specific to your state.

#### EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

##### EPA's Home Page

[www.epa.gov](http://www.epa.gov)

##### Small Business Gateway

[www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)

##### Compliance Assistance Home Page

[www.epa.gov/compliance/assistance](http://www.epa.gov/compliance/assistance)

##### Office of Enforcement and Compliance Assurance

[www.epa.gov/compliance](http://www.epa.gov/compliance)

##### Voluntary Partnership Programs

[www.epa.gov/partners](http://www.epa.gov/partners)





## U.S. EPA SMALL BUSINESS RESOURCES

### Hotlines, Helplines & Clearinghouses

([www.epa.gov/epahome/hotline.htm](http://www.epa.gov/epahome/hotline.htm))

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

#### Clean Air Technology Center

([www.epa.gov/ttn/catc](http://www.epa.gov/ttn/catc) or 1-919-541-0800)

#### Emergency Planning and Community Right-To-Know Act

([www.epa.gov/superfund/resources/infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.

([www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888)

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers ([www.epa.gov/clearinghouse](http://www.epa.gov/clearinghouse))

National Response Center to report oil and hazardous substance spills.

([www.nrc.uscg.mil](http://www.nrc.uscg.mil) or 1-800-424-8802)

#### Pollution Prevention Information Clearinghouse

([www.epa.gov/opptintr/ppic](http://www.epa.gov/opptintr/ppic) or 1-202-566-0799)

#### Safe Drinking Water Hotline

([www.epa.gov/safewater/hotline/index.html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791)

#### Stratospheric Ozone Refrigerants Information

([www.epa.gov/ozone](http://www.epa.gov/ozone) or 1-800-296-1996)

Toxics Assistance Information Service also includes asbestos inquiries.

(1-202-554-1404)

#### Wetlands Helpline

([www.epa.gov/owow/wetlands/wetline.html](http://www.epa.gov/owow/wetlands/wetline.html) or 1-800-832-7828)

### State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources:

#### EPA's Small Business Ombudsman

([www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888)

#### Small Business Environmental Homepage

([www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org) or 1-724-452-4722)

### Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated,

businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses:

#### The Small Business Compliance Policy

([www.epa.gov/compliance/incentives/smallbusiness](http://www.epa.gov/compliance/incentives/smallbusiness))

#### Audit Policy

([www.epa.gov/compliance/incentives/auditing](http://www.epa.gov/compliance/incentives/auditing))

### Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

### Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance, information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

*EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.*

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

*Ben (SC-SF) GAIL-10462 Int. R. Follow-up Rose Ext. Co.*

**DIAGNOSTIC**

Certified Fee  
 Return Receipt Fee  
 (Endorsement Required)

**EMERGENCY SUPPORT SECTION 73**

Total Post

Sent To:  
 Street, Apt. or PO Box  
 City, State

Mr. Robert J. Dold  
 Rose Exterminator Co.  
 1809 West Chicago  
 Chicago, IL 60602

PS Form 3811, January 2001

*Follow-up to GNL/0462  
 Robert Dold, Jr.  
 3/11/09*

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Received by (Please Print Clearly)</p> <p>B. Date of Delivery  <b>3-24-09</b></p>	
<p>1. Article Addressed to:</p> <p>Mr. Robert J. Dold            Rose Exterminator Co.            1809 West Chicago            Chicago, IL 60602</p>		<p>C. Signature  <b>X J Dold</b></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number            (Transfer from service label)</p> <p><b>7001 0320 0006 0188 3469</b></p>		<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>PS Form 3811, March 2001</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p>Domestic Return Receipt</p> <p>102595-01-M-1424</p>	